

Remarks

Claims 1-45 are pending in the amendment. No claim amendments are made herein; therefore **claims 1-45 continue to be pending in this application.**

Restriction Requirement

The Office action alleges that the technical feature linking the invention of Groups I-VII does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art. However, Applicants submit that all of the Groups do in fact relate to a single special technical feature, which feature makes a contribution over the prior art. As such, all of the claims should be examined together. Applicant requests that the requirement be withdrawn in light of the arguments herein.

In the present Application, the pending claims satisfy the requirements of Rule 13.1 and Rule 13.2. For the Examiner's convenience, these rules are set forth below:

Rule 13.1

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

Rule 13. 2

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The Office action alleges that as Bhatt *et al.* (*Genes Dev.*, 14:2216-2228, 2000) discloses a functional role for activators of the Discoidin Domain Receptor 1 (DDR1) in developing

cerebellum facilitating *granule neuron axon* outgrowth, the claims are not linked by a special technical feature. However, in the present application, Applicants submit that a technical relationship exists among the groups of claims, namely that the activation of DDR1 induces the maturation of an immature *macrophage* or an immature *dendritic cell* into a mature macrophage or a mature dendritic cell. As defined by the specification, a macrophage is “a large white blood cell derived from monocytes” (page 19, line 3) and a dendritic cell is “the principle antigen presenting cell involved in primary immune responses” (page 11, lines 30-31). Thus, macrophages and dendritic cells are not neurons. Although neurons have morphological features known as dendrites, neurons are not “dendritic cells,” as defined by the specification. Thus, Bhatt *et al.* does not anticipate the claims and the special technical feature of the claims does, in fact, define a contribution over the prior art. Applicants believe that the present application complies with Rules 13.1 and Rules 13.2 and that the claims should be examined together.

Election

Under protest, and only to comply with 37 CFR §1.499, Applicants elect Group III (claims 11-22), directed to a method for inducing maturation of an immature macrophage or an immature dendritic cell comprising contacting the immature macrophage or an immature dendritic cell expressing DDR1 with a DDR1-activating agent, with traverse. As Group III is provisionally elected, the Office action further requires Applicants to choose the following:

- one specifically named agent, as recited in claims 13 and 14;
- one specifically named promoter, as recited in claims 15 and 16; and
- one specifically named additional agent, as recited in claim 20.

Thus, Applicants further elect granulocyte-macrophage-colony stimulating factor (claim 13), constitutive promoter (claim 16), and CD40 ligand (claim 20), for prosecution. However, Applicants take this opportunity to remind the examiner that, as set forth in M.P.E.P. §809.02(a), “[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claims as provided by 37 CFR 1.141.”

In accord with 37 CFR §1.143, Applicants specifically reserve the right to petition to have the appropriateness of the finding of lack of unity/restriction requirement reconsidered, if it is maintained in spite of this response.

Conclusion

It is believed that the application is in condition for substantive examination. If any minor matters remain to be addressed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Anne Carlson/
Anne Carlson, Ph.D.
Registration No. 47,472